

ORDERS ON I.A.NO.IV

This application filed by the plaintiff Under Order 6 Rule 17 of Code of Civil Procedure seeking permission to amend the plaint by way of addition in the case.

2. In the affidavit in support of this application, the plaintiff has contended that, this suit filed by the plaintiff for the relief of Declaration and Permanent Injunction. Further contended that at the time of filing of the suit, the entire suit schedule land shown in the 'A' schedule property. Now there is a road running middle of the suit 'A' schedule property and it bifurcates the 'A' schedule property. The said amendment is very necessary for the identification of the suit schedule properties. The proposed amendment is explanatory and clarificatory in nature and it is very essential to clear the dispute between the parties and the said amendment will not

change the nature of the suit nor cause of action. Hence, pray for allow the application.

3. On the other hand, the defendants have filed objections and opposed the application on various grounds.

4. I perused the entire case records, the plaintiff claimed the relief of Declaration and Permanent Injunction with respect to the suit schedule properties. The plaintiff wants to add the existence facts of the suit schedule properties. The proposed amendment is not after thought. Considering the nature of the suit, the proposed amendment is essential for complete disposal of the suit and to decide all the questions in controversy. The proposed amendment is only inserted the existence of facts in respect of suit schedule property. The proposed amendment does not change the nature or cause of action of the suit. Therefore, I am of opinion that, the proposed amendment is required for adjudication. Hence, I pass the following:

ORDER

I.A.No.IV filed by the plaintiff Under Order 6 Rule 17 of Code of Civil Procedure is allowed.

The plaintiff is hereby directed to amend the plaint as

prayed in the I.A.No.IV. He is
further directed to furnish the
amended plaint.

Call on 1/8.

Prl. Civil Judge,
Shikaripura.